



ACCESSORY DWELLING UNIT **(ADU) APPLICATION**

Town of Kittery – Code Enforcement

200 Rogers Road Kittery, ME 03904

MAP _____ LOT _____

PERMIT # _____

DATE _____

PROPERTY LOCATION:

ADDRESS _____

BASE ZONE _____

R-RL/R-S/R-KPV/R-U/R-V/R-RC/CON/B-L/B-L1/B-P/C-1/C-2/C-3/MU/
MU-BI/MU-KF

OVERLAY ZONE OR IN FLOODPLAIN AREA _____

OZ-SL/OZ-RP/OZ-CFMU

APPLICANT TO PROVIDE:

☐ PLOT/SITE PLAN

☐ FLOOR PLAN

☐ DOCUMENTATION OF PUBLIC OR PRIVATE WASTE DISPOSAL

☐ DOCUMENTATION OF PUBLIC OR PRIVATE WATER SERVICE

☐ CONSENT IF ON A RIGHT OF WAY

☐ COMPLETED BUILDING/REGULATED USE PERMIT APPLICATION

☐ RECORDED COPY OF DEED RESTRICTIONS *

*Required prior to issuance of Final Occupancy

PROPERTY OWNER INFORMATION:

NAME _____

MAILING ADDRESS _____

PHONE NUMBER _____

E-MAIL _____

☐ **MUST PROVIDE COPY OF DEED, PURCHASE & SALES AGREEMENT
OR OTHER DOCUMENTATION OF RIGHT, TITLE OR INTEREST.**

APPLICANT INFORMATION (IF APPLICABLE):

NAME _____

MAILING ADDRESS _____

PHONE NUMBER _____

E-MAIL _____

NARRATIVE:

PLOT/SITE PLAN – PLAN SHOWING ENTIRE LOT, WHERE ANY STRUCTURES ARE LOCATED ON THE LOT, THE LOCATION AND AMOUNT OF PARKING

FLOOR PLAN – SCALED FLOOR PLAN LABELING THE USE OF EACH ROOM AND SHOWING EXIT DOORS

ACCESSORY DWELLING UNIT APPLICATION FEE \$100

☐ **APPROVED** ☐ **DENIED**

CEO: _____

PLANNER: _____

DATE: _____

CERTIFICATION:

I CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION AND ANY RELATED SUBMISSIONS TO BE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE. I WILL NOTIFY THE CODE ENFORCEMENT OFFICER OF ANY CHANGES TO THIS APPLICATION.

PROPERTY OWNER

DATE

APPLICANT

DATE

PLEASE READ **Town Code Title 16, Article XXV Accessory Dwelling Units** below and then answer the following:

<p>1. Is your home on public sewer, or a septic system?</p> <p>If on public sewer, an impact fee may apply.</p> <p>If on septic system, you will be required to provide documentation that your septic system has been verified as accurate, or reconstructed to meet the State of Maine Subsurface Wastewater Disposal Rules</p>	
<p>2. Is your home on public water or a private well?</p> <p>If on public water, you must supply a letter from the Kittery Water District that they can provide adequate water volume and supply.</p> <p>If on a private well, you must have your well tested to be verified that the water supply is potable, acceptable for domestic use, and that it conforms to the Manual for Evaluating Public</p>	
<p>3. Is your home on a private right of way?</p> <p>If on a private right of way, you must provide written consent from the association or parties responsible for roadway maintenance, and road construction standards must support the additional trips per day generated</p>	
<p>4. How many square feet is your proposed Accessory Dwelling Unit?</p> <p>Minimum size of ADU 400 square feet.</p>	
<p>5. Where will the Accessory Dwelling Unit be located?</p> <p>If within an existing accessory building (garage, etc), the building must meet the required yard setbacks, and have received a certificate of occupancy at least five years prior to this application.</p>	

Article XXV. Accessory Dwelling Units

RECODIFICATION – Amendments Ordained 10/26/2015

16.8.25.1 Purpose.

It is the intent of this Article to impose standards that enable homeowners to create accessory dwelling units that are compatible with this Code and do not negatively impact the character of the existing neighborhood or overburden the existing infrastructure.

16.8.25.2 Applicability.

An Accessory Dwelling unit is allowed in all zoning districts where the use is permitted in Chapter 16.3. The unit must be located in an existing structure with a certificate of occupancy issued more than 5 years prior to the date of the ADU application, on the property where the owner of the property occupies one of the units. The accessory dwelling unit may be attached to, or detached from, the primary dwelling unit. No expansion of a building's footprint is allowed to accommodate an accessory dwelling unit.

(Ordained 9/26/11; effective 10/27/11)

16.8.25.3 Application for an Accessory Dwelling Unit.

- A. An application for an accessory dwelling unit must be made by the owner of the parcel on which the primary residential unit sits. The completed application and associated fees must be submitted to the Town Planner and Code Enforcement Officer for review.

- B. Applications for an accessory dwelling unit that meets the unit size standards and development standards contained in this Article may be approved administratively, and require approval by both the Town Planner and Code Enforcement Officer.
- C. An accessory dwelling unit that fails to meet the unit size standards and or the development standards provided in this Article may not receive administrative approval; however the accessory dwelling unit may still be allowed. See Sections 16.8.25.4.1 and 16.8.24.4.2, below.
- D. The Town limits the number of new accessory dwelling unit permits to no more than twenty-two in the remainder of the calendar year of implementation and no more than 10 per calendar year on a first-come first-served basis.
- E. One of the units on the property, either primary or secondary, must be occupied by the property owner at all times during the period of permitting. Prior to the issuance of a certificate of occupancy, the property owner must submit a recorded copy of deed restrictions to the Town Planner outlining the owner-occupancy requirement.

16.8.25.4 Accessory Dwelling Unit Standards.

16.8.25.4.1 Lot Standards.

- A. Legal Lot/Residence. An accessory dwelling unit is allowed only on lots within the Town that contain a legal, single-family residence as the primary unit.
- B. Number of Accessory Dwelling Units Per Lot. No more than one (1) accessory dwelling unit is permitted on a lot.
- C. Zone Lot Size and Unit Density. The property on which an accessory dwelling unit is located must meet the size required by a zone's standards. However, an accessory dwelling unit is exempt from the density requirement of such zone.
- D. Utility Connections. Accessory dwelling units must be connected to adequate water and sewer services.
 - 1. Public Sewer:
 - a. Service: Verification in writing of adequate service to support the additional flow from the Superintendent of Wastewater Treatment Facilities.
 - b. Fees: Payment of appropriate fees for connection to the municipal sewer system is required prior to obtaining the certificate of occupancy.
(Ordained 9/26/11; effective 10/27/11)
 - 2. Septic Systems: Verification of adequate sewage disposal for subsurface waste disposal is required. The septic system, existing or proposed, must be verified as adequate or reconstructed as required. Plans for subsurface waste disposal must be prepared by a Maine licensed site evaluator in full compliance with the State of Maine Subsurface Wastewater Disposal Rules.
 - 3. Public Water: Verification in writing is required from the Kittery Water District for volume and supply.
 - 4. Wells: Verification of the potable water supply for private wells is required. Tests of the existing well or proposed well, if applicable, must indicate that the water supply is potable and acceptable for domestic use, and must conform to the recommendations included in the "Manual for Evaluating Public Drinking Water Supplies, Public Health Service No 1180 (1969)".
- F. Private Road or Right of Way Access. Where an applicant seeks to locate an accessory dwelling unit on a privately maintained road or right of way the following applies:
 - 1. Applicant must provide written consent from the association or parties responsible for street maintenance; and
 - 2. Road construction standards must support the additional trips generated.

16.8.25.4.2 Unit Standards.

- A. Unit Size. The habitable floor space of an accessory dwelling unit must be a minimum of four hundred (400) square feet and no larger than eight hundred (800) square feet.
- B. Unit location. An accessory dwelling unit:
 - 1. Must be fully constructed within the existing footprint of any legal primary residence or accessory building.
 - 2. Will be allowed inside of the primary residence building where the building has non-conforming yard setbacks.
 - 3. Will not be allowed in accessory or detached buildings encroaching on yard setbacks.
- C. Building Code Compliance. An accessory dwelling unit must satisfy the requirements contained in the building code and fire code as currently adopted by the Town. See Section 16.5.2.2, Conformance to Standards.

16.8.25.5 Development Standards.

Should an accessory dwelling unit fail to meet the development standards listed in this Article, the accessory dwelling unit may still be allowed if the applicant obtains approval from the Board of Appeals under the provisions of a Miscellaneous Variation Request.